

Re-examination of NSCIDs 11 and 12

Problem:

1. To re-examine present policy on the protection of intelligence sources and methods and avoidance of publicity in relation to intelligence in order to determine whether (on the occasion of the required reclassification of NSCID 12) any basic revision of NSCIDs 11 and 12 is desirable.

Background:

2. From an examination of the record it appears that NSCID 11 was prompted immediately by NSC-50 and was designed to meet the following needs:

a) The need, recognized particularly in connection with the [] for protection of intelligence sources and methods against disclosure to the Congress, and to the public as a result of Congressional investigation;

b) The need for coordination among the intelligence agencies in such protection and specifically in responding to requests for information from the Congress which might have a bearing on intelligence sources and methods;

c) The need to direct attention away from CIA's missions in the field of secret intelligence.

3. NSCID 12 was also a response to NSC-50.

Discussion:

4. NSCIDs 11 and 12 have met certain needs. The former has provided a basis for agreed procedures of notification to protect sources and methods used in detection of atomic activity in the USSR (DCID 11/1). It is also currently the basis for a proposed DCID 11/2 to meet the need for coordinated use of information control stamps. NSCID 12 is the basis for an Agency regulation

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on employee's publishing, and although admittedly such publishing could be controlled in CIA and other agencies without the benefit of NSCID 12, the Directive does allow uniformity of action among the agencies in the treatment of publishing.

5. An analysis of NSCIDs 11 and 12, paragraph by paragraph, has been made and is set forth in Tabs A and B.

Conclusion:

6. From this analysis it seems clear that NSCIDs 11 and 12 should in substance be retained but should be refined to clarify their meaning and consequently sharpen their effect. They should be combined because of the interrelation of their subject matter (and incidentally because the "Restricted" classification of NSCID 12 can no longer be used).

Recommendation:

7. That the proposed revision of NSCID 11 set forth in Tab C be approved for discussion with the IAC agencies along with this staff study, Tab A (less the last sentence of the last comment, page 7), it being considered in appropriate and unnecessary to disseminate Tab B/

CONCUR:

APPROVED (Disapproved):

Deputy Director (Intelligence)

Deputy Director of Central Intelligence

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TAB A

ANALYSIS OF NSCID-11

**"Security of Information on Intelligence Sources
and Methods"**

Preamble:

NSCID 11 is written as being in pursuance both of Section 101(b)(2) and of Section 102(d)(3) of the National Security Act of 1947, as amended.

Comment: While it is true that the policy in NSCID 11 relates to "matters of common interest to the departments and agencies of the government which are concerned with national security" (Section 101(b)(2)), this is no more so in this case than in the case of many of the subjects to which other NSCIDs are directed.

Conclusion: The reference to Section 101(b)(2) should be eliminated as unnecessary.

Comment 2: Reference to Section 102(d)(3) may give an erroneous conception of the limits of the responsibility of the Director. It should be noted that subsection (d)(3) assigns to the Agency certain duties respecting "intelligence relating to the national security." These duties are to be performed under three stated conditions. These conditions are a limitation on the Agency, not on other agencies. In fact, they are stated in order to protect the other agencies against a failure by CIA to maintain the integrity of either the functions or the materials of other agencies. The protection of other agencies' materials is provided by the third condition, namely: "that the DCI shall be responsible for protecting intelligence sources and methods from unauthorized disclosure." For clarification, this could be stated as follows: "In correlating, evaluating, and disseminating national intelligence, the DCI must have the other agencies' intelligence information, but he cannot use it carelessly; he must protect it."

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Part of NSCID 11 does rest on this condition in paragraph 102(d)(3), but it would rest on 102(d)(1) and (2) more surely, inasmuch as protection of sources and methods of intelligence is itself an intelligence activity, the coordination of which is appropriate for recommendation to the National Security Council.

Conclusion: That the Preamble should state that the NSCID is in pursuance of Section 102(d).

Paragraph 1

The departments and agencies of the government engaged in intelligence activities shall take steps to prevent unauthorized disclosure of information on U.S. intelligence sources and methods.

Comment: This is a useful statement but could be improved by changing it to make clear that the steps to be taken are to be coordinated steps. In that form it would provide a base for existing DCID 11/1, and proposed DCID 11/2, as well as future (but as yet unidentified) problems requiring a DCID in this general field.

Conclusion: Retain but improve.

Each agency will determine its own channels for authorization to release any such information.

Comment: This is an unnecessary statement because obvious.

Conclusion: It should be removed.

The delimiting phrase "intelligence sources and methods" includes information ostensibly overt which requires security protection because of its specific means of procurement or specific place of procurement, revelation of which would endanger intelligence sources and methods, but the phrase does not include intelligence information as such, the dissemination of which is already covered by appropriate departmental and agency security regulations.

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Comment: In the drafting of this language an effort was made to exclude finished intelligence. The statement is a clumsy one.

Conclusion: That the following be substituted: "Intelligence sources and methods" does not include the substance of either intelligence or intelligence information except insofar as the means or origin of procurement may be revealed therein.

Paragraph 2

The Director of Central Intelligence shall coordinate policies concerning the protection of intelligence sources and methods within the limits established by Section 102 of the National Security Act of 1947 except where provision has already been made by the National Security Council.

Comment: "Within the limits established by Section 102 of the National Security Act of 1947" may have been included to confine the coordination specified so as not to include Section 101(b) of the Act which is referenced in the Preamble. Since it is recommended that this be removed from the Preamble, this reason no longer is valid.

The clause "except where provision has already been made by the NSC" is understood to be required to take into account responsibilities of the FBI. This is also designed to take into account the provisions made by the NSC with regard to NSCID 9, others that we do not know about, or others which may arise in the future.

Conclusion: Strike "within the limits established by Section 102 of the National Security Act of 1947." Retain the rest.

Paragraph 3

In protecting intelligence sources and methods the Director of Central Intelligence and the other intelligence directors shall be guided by the principle that covert or sensitive information, either unevaluated or as an intelligence product, shall go only to those whose official duties require such knowledge.

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Comment: The principle of "need-to-know" should be preserved but should be stated to be applicable generally, not just to covert or sensitive information.

Conclusion: That this paragraph be deleted and the need-to-know principle be incorporated more appropriately in the new draft.

Paragraph 4

In order to protect intelligence sources and methods further, any reference to CIA should emphasize its duties as the coordinator of intelligence rather than its secret intelligence activities.

Comment: This is in accord with NSC-50 and seems sound until analyzed literally. As it speaks of "any" reference to CIA, and as this can mean "all" references to CIA, it makes no sense within the IAC and NSC community. It is obviously intended for "public" reference and reference in those governmental quarters where there is no need-to-know about specific CIA activities other than its role in coordination.

Conclusion: This should be revised to read: "...any public reference to CIA or reference to CIA within the non-IAC agencies should generally emphasize its duties as the coordinator of intelligence."

No reference will be made to this Agency whatever unless unavoidable, of course.

Comment: This is far too categorical and the point has already been adequately made in the foregoing. Specific instruction in CIA Regulation is more lenient than this and is in keeping with the first sentence of this paragraph above underlined.

Conclusion: This sentence should be removed.

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TAB B

ANALYSIS OF NSCID-12

"Avoidance of Publicity Concerning the Intelligence Agencies of the U.S. Government"

Comment:

1. This NSCID arose out of the concern of the Dulles-Jackson-Corea group with two conditions:

a) The spate of publications;

b) A desire on the part of the other IAC agencies to guard against the Director's disclosing classified information to Congressional committees which would have adverse effects upon the intelligence activities of the Government.

2. This NSCID provided the base for an unclassified letter to all executive departments regarding publicity of intelligence or intelligence activities. This letter will remain valid regardless of action now taken respecting this Directive.

3. a) The procedure for authorization regarding publicity should be retained and incorporated in a revised NSCID-11.

b) The restriction on the Director with regard to disclosure of information when in doubt is proper in substance but it is inappropriate that it should be stated in such a document. The relationship of the Director to the NSC is now well established and certainly the Director would, when in doubt, take the matter up either with the National Security Council or the President.

Conclusion:

4. Retain policy on publicity;

5. Strike last paragraph on DCI and disclosure "when in doubt."

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TAB C

NATIONAL SECURITY COUNCIL INTELLIGENCE DIRECTIVE NO. 11

**Security of Information on Intelligence Sources
and Methods**

(Revised _____ : SECRET)

Pursuant to the provisions of Section 102(d) of the National Security Act of 1947, as amended, the National Security Council hereby authorizes and directs that:

1. Any publicity, factual or fictional, concerning intelligence or intelligence activities, and any unauthorized disclosure of information on intelligence sources and methods, is potentially detrimental to the effectiveness of an intelligence organization and to the national security.
2. Insofar as reference to CIA is required publicly or among the non-IAC agencies of the government, the duties of CIA as the coordinator of intelligence should generally be emphasized.
3. Information on intelligence sources and methods should be disclosed only to those whose official duties require such knowledge.
4. The delimiting phrase "intelligence sources and methods" does not include the substance of either intelligence or intelligence information except insofar as sensitive means or origin of procurement may be revealed thereby.
5. The Director of Central Intelligence shall insure the coordination of procedures to implement the policies established herein, except where such procedures are separately established by the National Security Council.
6. National Security Council Intelligence Directive No. 12* is herewith rescinded.

*Note: NSCID No. 12, "Avoidance of Publicity Concerning the Intelligence Agencies of the U.S. Government," was issued on 6 January 1950.

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